

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

JUAN MANUEL MATA,

Plaintiff,

VS.

DICKINSON POLICE DEPARTMENT, *et al*,

Defendants.

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CIVIL ACTION NO. 3:13-CV-396

**MEMORANDUM AND OPINION**

Plaintiff Juan Manuel Mata (SPN # 189118) filed this case pursuant to 42 U.S.C. §1983, on October 29, 2013, alleging an excessive use of force by Defendant Lex Paxton, a police officer with the Dickinson Police Department. After defendant was ordered to file an answer, counsel for Officer Paxton informed the Court that Mata was awaiting trial on charges of (1) assault on Officer Paxton in his capacity as a police officer and (2) attempt to take Officer Paxton's weapon away with the intent to harm him. The Court granted a stay of this proceeding pending the completion of the criminal proceeding. *See Wallace v. Kato*, 549 U.S. 384, 393-94 (2007) (It is within the power of the district court, and in accord with common practice, to stay a civil action until a criminal case or the likelihood of a criminal case is ended.) Because Mata's criminal case still remains pending, the court must close this civil case until his state court proceedings are completed.

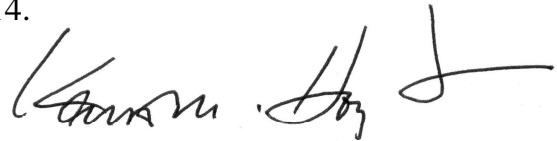
Accordingly, the action filed by Juan Manuel Mata is premature. The Clerk must **CLOSE** this case for administrative purposes until further notice. Mata must file a

“Motion to Reinstate” this case, if appropriate, within thirty days from the date that the state court criminal case for the charges stated above are completed.

Any pending motions are **DENIED** as moot.

It is so **ORDERED**.

SIGNED on this 30<sup>th</sup> day of October, 2014.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge